

**STATE OF INDIANA – COUNTY OF DEKALB
IN THE CIRCUIT AND SUPERIOR COURTS**

**NOTICE OF PROPOSED NEW AND AMENDED LOCAL COURT RULES
MAY 19, 2011**

In accordance with Trial Rule 81 of the Indiana Court Rules, the judges of the DeKalb Circuit and Superior Courts hereby give notice to the bar and the public that the Courts propose to adopt a new rule concerning jury selection and amend their current local court rules concerning the appointment of special judges in civil and criminal cases and concerning children and custody proceedings. We find that good cause exists to deviate from the schedule for adopting or amending local rules. All new text is shown by underlining and deleted text is shown by ~~striketrough~~.

The time period for the bar and the public to comment will begin on **May 20, 2011**, and will close on **June 20, 2011**. The proposed new rule and amendments to current rules will be adopted, modified or rejected before June 24, 2011. We request Supreme Court approval for the rules so required. The effective date for the new and amended rules will be **July 1, 2011**.

Comments by the bar and the public should be made in writing and mailed, or emailed, to:

Hon. Monte L. Brown, Judge, DeKalb Superior Court II, Attn: Public Comment on Local Rules, 100 South Main Street, Auburn, IN 46706-3251, or by email to: mbrown@co.dekalb.in.us.

A paper copy of the proposed new and amended local rules will be made available for viewing in the office of the Clerk of DeKalb County, 100 South Main Street, Auburn, IN 46706, during normal business hours. Persons with Internet access may view the proposed amended local rules at the following website:

<http://www.courts.IN.gov/rules/local/dekalb>

On behalf of the Judges of DeKalb County:

_____/S/_____
Monte L. Brown, Judge
DeKalb Superior Court II

LR17-JR4-1 Jury Administrators and Jury Pool

A. The Clerk of the DeKalb Courts shall serve as the jury administrator.

B. A two tier notice and summons, consistent with Jury Rule 4(b), shall be used by the jury administrator.

LR 17-TR 79(H)-7 Appointment of Special Judges in Civil Proceedings

In the event a special judge selected under Trial Rule 79, Sections (D) (E) or (F) does not accept the case or a judge disqualifies and recuses under Trial Rule 79(C), then the clerk of the court shall appoint one of the other presiding judges from DeKalb County, and if that judge is unable to serve because of disqualification pursuant to the Code of Judicial Conduct, then the clerk shall appoint on a rotating basis a person from a list of judicial officers eligible under Trial Rule 79 (J).

If the judge selected to serve is disqualified or is excused from service, then clerk of the court shall appoint the next judge on the list. If no judge on the list is eligible to serve as special judge or the particular circumstances in the case so warrant, the then presiding judge in the case shall certify the matter to the Indiana Supreme Court for the appointment of a special judge pursuant to TR79(H)(3).

LR17-FL 00-1 - Children and Custody Proceedings

~~In all cases involving unemancipated children, in which an Order of child custody or child parenting time is sought, or in which an Order of modification is sought, both parents shall prepay, attend and complete the Court approved seminar entitled “Helping Children Succeed after Divorce Seminar for Parents” or such other seminar as is specifically approved by the Court.~~

In all Dissolution of Marriage cases involving unemancipated children, in which an Order of child custody or child parenting time is sought, or in which an Order of modification is sought, both parents shall complete the Court approved program entitled UpToParents.org and/or such other program as is specifically approved by the Court.

In all paternity cases in which an Order for child custody or child parenting time is sought, or in which a modification is sought, both parents shall complete the Court approved program entitled ProudToParent.org and/or such other program as is specifically approved by the Court.

The attorney representing a party to such a proceeding shall inform the client of this requirement.

A party required to complete said internet program shall do so within sixty (60) days of the date the proceeding is initiated.

A party required to complete the Family Enrichment Series shall enroll in the program within thirty (30) days of the initiation of the proceeding and complete the series within one hundred and eighty (180) days of said initiation.

Proof of completion of a required program must be filed with the appropriate Court within thirty (30) days of completion.

Failure by a party to complete this requirement may constitute cause for denial of the relief requested. A parent shall not delay the proceeding by failing to complete these requirements.

LR17-CR 2.2 -1 Criminal Case Reassignment and Special Judge Selection

Pursuant to Ind. Criminal Rule 2.2(D) and Ind. Criminal Rule 13(C), in the event a change of judge is granted or a disqualification or recusal is entered, the case shall be reassigned as follows:

(1) Superior Court I: In the event a change of Judge is granted where it becomes necessary to assign another Judge in any felony or misdemeanor proceeding in the DeKalb Superior Court I, the case shall be reassigned to the DeKalb Superior Court II.

(2) Superior Court II: In the event a change of Judge is granted where it becomes necessary to assign another Judge in any felony or misdemeanor proceeding in the DeKalb Superior Court II, the case shall be reassigned to the DeKalb Superior Court I.

(3) Alternative: In the event a reassignment cannot be accomplished pursuant to the rules set forth above, then the case will be reassigned from the following Judges: DeKalb Circuit Court Judge, and the Judges of those counties contiguous to DeKalb County, Indiana.

Pursuant to Ind. Criminal Rule 13(D), in the event no Judge is available for assignment or reassignment of a felony or misdemeanor case, such case shall be certified to the Indiana Supreme Court for the appointment of Special Judge. In the event the Judge presiding in a felony or misdemeanor case concludes that the unique circumstances presented in such proceeding require appointment by the Indiana Supreme Court of a Special Judge, this presiding Judge may request the Indiana Supreme Court for such appointment.